

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARILYN POWELL,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-349
)	(PHILLIPS/SHIRLEY)
KIM TOLLISON,)	
)	
Defendant.)	

MARILYN POWELL,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-350
)	
DONNY YOUNG,)	
)	
Defendant.)	

MARILYN POWELL,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-351
)	
CHARLES T. WEBBER,)	
)	
Defendant.)	

MARILYN POWELL,)	
)	
Plaintiff,)	
)	
v.)	No. 3:07-CV-352
)	
JOHN ELDRIDGE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

These cases came before the undersigned pursuant to Local Rule 3.2 of the Local Rules of the United States District Court for the Eastern District of Tennessee for assignment to a District Judge. The record indicates that in the recently filed cases of Powell v. Young, Civil Action No. 3:07-CV-350, Powell v. Webber, Civil Action No. 3:07-CV-351, Powell v. Eldridge, Civil Action No. 3:07-CV-352, these civil actions were received on September 10, 2007. A previous case has been filed styled Powell v. Tollison, Civil Action No. 3:07-CV-349, which was assigned to the Honorable Thomas W. Phillips, United States District Judge and Magistrate Judge C. Clifford Shirley, Jr.

Pursuant to E.D. TN. LR3.2(d)(3), cases related to cases already assigned to a District Judge shall be assigned or transferred to the Judge assigned to the previously filed case. The procedure set out in Local Rule 3.2(d)(3)(B) provides that “when it appears to the Clerk that a case submitted for filing may be related to a previously filed case, the submitted case shall be referred to the Magistrate Judge assigned to the previously filed case to determine whether or not the cases are related. If the Magistrate determines that the cases are related, the Magistrate will enter an Order directing the Clerk to assign the submitted case to the Judge assigned to the previously filed case.”

In this matter, it appeared to the Clerk the Powell v. Young, Powell v. Webber, and Powell v. Eldridge cases, Civil Action Nos. 3:07-CV-350, 3:07-CV-351, and 3:07-CV-352 respectively submitted for filing might be related to the previously filed Powell v. Tollison case, Civil Action No. 3:07-CV-349 and they were referred to the undersigned to determine whether or not the cases were related.

Cases are deemed related under Local Rule 3.2(d)(3)(A) when a filed case arises out of the same transaction or occurrence and involves one or more of the same parties as an earlier numbered case.

It appears to the undersigned that Civil Action Nos. 3:07-CV-350, 3:07-CV-351, and 3:07-CV-352 are related to the earlier filed case, Civil Action No. 3:07-CV-349. The plaintiff is the same in all these cases, and while the defendants are all different in name, they all have in common that they represented the plaintiff, Ms. Powell, at various times (successively) in her criminal case (Docket No. 3:05-CR-07).

Therefore, the undersigned finds that these cases are deemed related as they arise, in substantial part, out of the same transaction, occurrence (i.e. plaintiff's criminal case and her representation therein), are claimed to be related thereto and involve one or more of the same parties, and substantially similar type allegations, claims and facts.

Therefore, it is the opinion of the undersigned that Civil Action Nos. 3:07-CV-350 (Young), 3:07-CV-351 (Webber), and 3:007-CV-352 (Eldridge) should be assigned to the Honorable

Thomas W. Phillips, who was previously assigned to Civil Action No. 3:07-CV-349 (Tollison) in the interest of judicial economy.¹

Accordingly, the Clerk is **DIRECTED** to assign Civil Action Nos. 3:07-CV-350, 3:07-CV-351, and 3:07-CV-352 to the Honorable Thomas W. Phillips, United States District Judge.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹The Court also notes and calls the parties attention to Local Rule 3.2(e), which provides that “this rule is intended to provide for the orderly division of the business of the Court and not to grant any right to any litigant.”